

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 1:08cr116HSO-RHW**

**DARRYL ALEXANDER**

**ORDER GRANTING IN PART AND DENYING IN PART  
DEFENDANT'S MOTION TO SUPPRESS TENNESSEE  
TITLE III COMMUNICATIONS FOR FAILING  
TO COMPLY WITH SEALING REQUIREMENTS**

BEFORE THE COURT is Defendant's Motion to Suppress Tennessee Title III Communications filed August 25, 2009 [97-1], in the above captioned cause. The Government tendered a Response on September 21, 2009 [124-1], which states in part as follows:

While it is unclear when that decision was made, it is also undisputed that the government delayed presenting the disk to the District Court for sealing until December 12, 2007, a total of 22 days after the wire went down. While the tapes were safeguarded, there is no satisfactory explanation for the delay.

The original disk was sealed prior to the expiration of the extension and thus meet both the statute and the case law requirements of immediate sealing. The extension disk was not sealed immediately nor is there a satisfactory explanation for the delay after it was clear that a second extension would not be signed.

*See Govt.'s Resp. at p. 7.*

After due consideration of the Motion, Response, briefs of the parties, evidence of record, and the applicable law, and being otherwise fully advised in the premises, the Court finds that Defendant's Motion should be granted in part and denied in part.

In accordance with the foregoing,

**IT IS, THEREFORE, ORDERED AND ADJUDGED,** that Defendant's Motion to Suppress Tennessee Title III Communications filed August 25, 2009 [97-1], should be, and hereby is **GRANTED IN PART AND DENIED IN PART.** The Tennessee wire intercepts dating from September 13, 2007, until October 12, 2007, will not be suppressed, and the Tennessee wire intercepts dating from October 24, 2007, until November 20, 2007, shall be suppressed.

**SO ORDERED AND ADJUDGED,** this the 26<sup>th</sup> day of January, 2010.

*s/ Halil Suleyman Ozerdem*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE